IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17283 of 2004

Between:

Smt. M. Laxmi Bai, Hindu, w/o Pedda Narasimha,
R/o 5-5-8/22, Kukatpally, Ranga Reddy District.

... PETITIONER

AND

The Kukatpally Municipality, rep. by its Commissioner, Kukatpally,

R.R. District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction particularly in the nature of Writ of Mandamus to directing the respondent Municipality to pass final orders on the petitioner's explanation dated 9-8-2004 pursuant to the Show Cause Notice P.O.No. /TPS-I/25/UC/2004 dated 2-8-2004 and further declare that the inaction of the respondent Municipality in not passing the final order as highly arbitrary, discriminatory and in violation of principles of natural justice and in violation of Article 14 of the Constitution of India.

For the Petitioner: MR.V.V.PRABHAKARA RAO, Advocate.

For the Respondent: MR.R.THIMMA REDDY, S.C. for Municipalities.

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner as well as he learned standing counsel appearing on behalf of the respondent. Both the Counsel have no objection to dispose of the writ petition at the stage of admission.

2. Petitioner is claiming to be the owner of the property admeasuring 250 Sq.yds., which is bestowed to him under a Gift Settlement Deed. While so, he entered into a Development Agreement cum General Power of Attorney in favour of M/s. Shanthi Builders by Development Agreement dated 29-01-2004 and applied for construction of residential building of ground plus two floors, which was approved by the municipality on 12-04-2004. When the construction was proceeded with in accordance with the sanction plan, a show cause notice dated 02-08-2004 was issued to the petitioner for which, petitioner submitted an explanation on 09-08-2004, but so far, no orders as such have been passed on the explanation offered by him and the respondents are interfering with the construction and taking steps to demolish the same.

3. In view of the same, respondent is hereby directed that unless final orders are passed, pursuant to the show cause notice, pointing out the deviations, if any, which can be rectified by the petitioner as per the provisions of the A.P. Municipalities Act, respondent authorities shall not demolish the construction made by the petitioner.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

September 24, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The Commissioner, Kukatpally Municipality, Kukatpally,

R.R. District.

2. Two C.D. Copies.